

1  
2  
3  
4  
5  
6  
7  
8  
9

**Senate Bill No. 617**

(By Senator Stollings)

---

[Introduced February 17, 2014; referred to the Committee on  
Government Organization.]

---

10 A BILL to repeal §30-23-3, §30-23-5, §30-23-6, §30-23-8 and §30-23-  
11 22 of the Code of West Virginia, 1931, as amended; and to  
12 amend and reenact §30-23-4, §30-23-7, §30-23-9, §30-23-15 and  
13 §30-23-17 of said code, all relating to termination of the  
14 Medical Imaging and Radiation Therapy Technology Board of  
15 Examiners; providing for simplifying the regulations for  
16 medical imaging professionals by making them subject to  
17 national certifying organizations; requiring the Board of  
18 Medicine to verify certification with a national certifying  
19 organization; and granting rule-making authority.

20 *Be it enacted by the Legislature of West Virginia:*

21 That §30-23-3, §30-23-5, §30-23-6, §30-23-8 and §30-23-22 of  
22 the Code of West Virginia, 1931, as amended, be repealed; that §30-  
23 23-4, §30-23-7, §30-23-9, §30-23-15, and §30-23-17, of said code be  
24 amended and reenacted, all to read as follows:

1 **ARTICLE 23. RADIOLOGIC TECHNOLOGISTS.**

2 **30-23-4. Definitions.**

3 As used in this article, the following words and terms have  
4 the following meanings, unless the context clearly indicates  
5 otherwise:

6 (a) "ASPMA" means the American Society of Podiatric Medical  
7 Assistants.

8 (b) "ARMRIT" means the American Registry of Magnetic Resonance  
9 Imaging Technologists.

10 (c) "ARRT" means the American Registry of Radiologic  
11 Technologist.

12 (d) "Board" means the West Virginia ~~Medical Imaging and~~  
13 ~~Radiation Therapy Technology Board of Examiners~~ Board of Medicine  
14 established in section five, article three of this chapter.

15 (e) "Business entity" means any firm, partnership,  
16 association, company, corporation, limited partnership, limited  
17 liability company or other entity providing medical imaging or  
18 radiation therapy technology.

19 (f) "Dental X-rays" means X-rays taken of the oral cavity with  
20 x-ray units designed for this specific performance.

21 (g) "JRCERT" means the Joint Review Committee on Education in  
22 Radiologic Technology.

23 (h) "JRCNMT" means the Joint Review Committee on Education  
24 Programs in Nuclear Medicine Technology.

1 (I) "License" means a medical imaging and radiation therapy  
2 technology license issued under the provisions of this article.

3 (j) "Licensed practitioner" means a person licensed in West  
4 Virginia to practice medicine, chiropractic, podiatry, osteopathy  
5 or dentistry.

6 (k) "Licensee" means a person holding a license issued under  
7 the provisions of this article.

8 (l) "Magnetic Resonance Imaging or MRI" means the performance  
9 of medical imaging using radio waves, magnetic fields and a  
10 computer to produce images of the body tissues.

11 (m) "Medical Imaging" means the use of ionizing radiation,  
12 electromagnetic radiation, or radioactivity for evaluation of body  
13 tissue in order to diagnose injury and disease by means of image  
14 production.

15 (n) "NMTCB" means the Nuclear Medicine Technology  
16 Certification Board.

17 (o) "Nuclear Medicine Technologist" means a person holding a  
18 nuclear medicine license issued under the provisions of this  
19 article.

20 (p) "Nuclear Medicine Technology" means the compounding,  
21 calibrating, dispensing and administrating of radio-  
22 pharmaceuticals, pharmaceuticals and radio-nuclides under the  
23 direction of an individual listed as an authorized user by the U.S.  
24 Nuclear Regulatory Commission for the production of images for

1 diagnosis and/or treatment of various disorders.

2 (q) "Permittee" means any person holding a podiatric medical  
3 assistant permit issued pursuant to the provisions of this article.

4 (r) "PET/CT Technologist" means an individual recognized by  
5 the board as qualified to operate a PET/CT scanner.

6 (s) "PET/CT Technology" means the operation of a Positron  
7 Emission Tomography/Computerized Tomography scanner to view  
8 internal images of the body.

9 (t) "Podiatric medical assistant" means a person who has been  
10 issued a permit under the provisions of this article, to perform  
11 podiatric radiographs.

12 (u) "Podiatric radiographs" means radiographs confined to the  
13 foot and ankle performed on dedicated podiatric X-ray equipment.

14 (v) "Practice of Medical Imaging and Radiation Therapy  
15 Technology" means the practice of Radiologic Technology, Radiation  
16 Therapy, Nuclear Medicine Technology and Magnetic Resonance Imaging  
17 Technology.

18 (w) "Radiologic technologist" means a person, other than a  
19 licensed practitioner, who applies medical imaging or assists in  
20 the application of ionizing radiation to human beings for  
21 diagnostic or therapeutic purposes as prescribed by a licensed  
22 practitioner.

23 (x) "Radiologic technology" means the application of ionizing  
24 radiation or assisting in the application of medical imaging to

1 human beings for diagnostic or therapeutic purposes as prescribed  
2 by a licensed practitioner.

3 (y) "Radiologist" means a licensed practitioner who has  
4 successfully completed a residency in the field of Radiology and  
5 specializes in the use of medical imaging for the diagnosis or  
6 treatment of disease.

7 (z) "Radiologist Assistant or RA" means an individual who is  
8 licensed under the rules of the West Virginia Board of Medicine and  
9 has completed specialized training from an accredited program in  
10 the profession and passed a written examination as recognized by  
11 the West Virginia Board of Medicine.

12 (aa) "Radiology resident" means a licensed practitioner who is  
13 in training to become a Radiologist and who uses medical imaging in  
14 the diagnosis or treatment of disease, under the supervision of a  
15 Radiologist.

16 (bb) "Supervision" means responsibility for and control of  
17 quality, safety and technical aspects in the application of medical  
18 imaging technology on human beings for diagnostic or therapeutic  
19 purposes.

20 (cc) "Technology" means Medical Imaging Technology or  
21 Radiation Therapy Technology.

22 **§30-23-7. Rule making.**

23 (a) The board shall propose rules for legislative approval, in  
24 accordance with the provisions of article three, chapter twenty-

1 nine-a of this code, to implement the provisions of this article,  
2 including:

3 (1) Standards and requirements for licensure, apprentice  
4 licensure and permits to practice medical imaging or radiation  
5 therapy technology. These standards and requirements shall be  
6 limited to national certification by ARRT, NMTCB, ASPMA and/or  
7 JRCERT as appropriate;

8 ~~(2) Procedures for examinations and reexaminations;~~

9 ~~(3) Requirements for third parties to prepare and/or~~  
10 ~~administer examinations and reexaminations;~~

11 ~~(4) (2) Educational and experience requirements, and the~~  
12 ~~passing grade on the examination;~~

13 ~~(5) Standards for approval of courses;~~

14 ~~(6) (3) Procedures for the issuance and renewal of a license,~~  
15 ~~apprentice license and permit;~~

16 ~~(7) (4) A fee schedule;~~

17 ~~(8) (5) Continuing education requirements for licensees;~~

18 ~~(9) (6) The procedures for denying, suspending, revoking,~~  
19 ~~reinstating or limiting the practice of a licensee or permittee;~~

20 ~~(10) (7) Requirements for inactive or revoked licenses,~~  
21 ~~apprentice licenses and permits; and~~

22 ~~(11) (8) Any other rules necessary to effectuate the~~  
23 ~~provisions of this article.~~

24 (b) All rules in effect on the effective date of this article

1 shall remain in effect until they are amended or repealed, and  
2 references to provisions of former enactments of this act are  
3 interpreted to mean provisions of this article.

4 **§30-23-9. Requirements for Radiologic Technology license.**

5 (a) To be eligible for a license to practice Radiologic  
6 Technology, the applicant must:

7 (1) Be of good moral character;

8 (2) Have a high school diploma or its equivalent;

9 (3) Have successfully completed ~~an accredited program in~~  
10 ~~Radiologic technology, as determined by an accreditation body~~  
11 ~~recognized by the board, from a school of Radiologic Technology~~  
12 ~~that has been approved by the board~~ any certification requirements  
13 required by ARRT, NMTCB, ASPMA and/or JRCERT;

14 ~~(4) Have passed the examination prescribed by the board, which~~  
15 ~~examination shall cover the basic subject matter of Radiologic~~  
16 ~~Technology, skills and techniques; and~~

17 ~~(5)~~ (4) Not have been convicted of a felony under the laws of  
18 any state or the United States within five years preceding the date  
19 of application for licensure, which conviction remains unreversed;  
20 and

21 ~~(6)~~ (5) Not have been convicted of a misdemeanor or a felony  
22 under the laws of any state or the United States at any time if the  
23 offense for which the applicant was convicted related to the  
24 practice of Medical Imaging, which conviction remains unreversed.

1 (b) A person seeking a Radiologic Technology license shall  
2 submit an application on a form prescribed by the board and pay the  
3 license fee, which fee shall be returned to the applicant if the  
4 license application is denied.

5 (c) A Radiologic Technology license issued by the board prior  
6 to July 1, 2009, shall for all purposes be considered a license  
7 issued under this article.

8 **§30-23-15. Requirements for Nuclear Medicine Technologist license.**

9 (a) To be eligible for a license to practice Nuclear Medicine  
10 Technology, the applicant must:

11 (1) Be of good moral character;

12 (2) Have a high school diploma or its equivalent;

13 (3) Not have been convicted of a felony under the laws of any  
14 state or the United States within five years preceding the date of  
15 application for licensure, which conviction remains unreversed;

16 (4) Not have been convicted of a misdemeanor or a felony under  
17 the laws of any state or the United States at any time if the  
18 offense for which the applicant was convicted related to the  
19 practice of Medical Imaging, which conviction remains unreversed.

20 (5) Meet one of the following qualifications:

21 (A) Have a baccalaureate or associate degree in one of the  
22 physical or biological sciences pertaining to the Medical Imaging  
23 or Radiation Therapy profession;

24 (B) Have a baccalaureate or associate degree in other



1 disciplines of Medical Imaging with successful completion of  
2 courses in the following areas: college algebra, physics or  
3 chemistry, human anatomy, physiology, and radiation safety;

4 (C) National certification as a certified Nuclear Medicine  
5 Technologist (CNMT);

6 (D) National certification as a Registered Radiographer (ARRT  
7 (R));

8 (E) National certification as a Registered Radiographer  
9 specializing in Nuclear Medicine (ARRT (N)); or

10 (F) National certification as a Radiation Therapist (ARRT(T));  
11 and

12 ~~(6) Pass an examination which has been approved by the board,~~  
13 ~~with a minimum passing score of seventy five percent, which~~  
14 ~~examination shall cover the basic subject matter of medical~~  
15 ~~imaging, radiation safety, skills and techniques as it pertains to~~  
16 ~~Nuclear Medicine.~~

17 (b) A person seeking a Nuclear Medicine Technology license  
18 shall submit an application on a form prescribed by the board and  
19 pay the license fee, which fee shall be returned to the applicant  
20 if the license application is denied.

21 (c) A Nuclear Medicine Technology license issued by the board  
22 prior to July 1, 2007, shall for all purposes be considered a  
23 license issued under this article: *Provided*, That a person holding  
24 a Nuclear Medicine Technology license issued prior to July 1, 2007,

1 must renew the license pursuant to the provisions of this article.

2 **§30-23-17. Requirements for Magnetic Resonance Imaging**  
3 **Technologist license.**

4 (a) To be eligible for a license to practice Magnetic  
5 Resonance Imaging Technology, the applicant must:

6 (1) Be of good moral character;

7 (2) Have a high school diploma or its equivalent;

8 (3) Not have been convicted of a felony under the laws of any  
9 state or the United States within five years preceding the date of  
10 application for licensure, which conviction remains unreversed;

11 (4) Not have been convicted of a misdemeanor or a felony under  
12 the laws of any state or the United States at any time if the  
13 offense for which the applicant was convicted related to the  
14 practice of Medical Imaging, which conviction remains unreversed.

15 (5) Meet one of the following qualifications:

16 (A) Have a baccalaureate or associate degree in one of the  
17 physical or biological sciences pertaining to the Medical Imaging  
18 or Radiation Therapy profession;

19 (B) Have a baccalaureate or associate degree in other  
20 disciplines of Medical Imaging with successful completion of  
21 courses in the following areas: college algebra, physics or  
22 chemistry, human anatomy, physiology, and radiation safety;

23 (C) National certification as a certified Nuclear Medicine  
24 Technologist (CNMT);

1 (D) National certification as a Registered Radiographer (ARRT  
2 (R));

3 (E) National certification as a Registered Radiographer  
4 specializing in Nuclear Medicine (ARRT (N));

5 (F) National certification as a Radiation Therapist (ARRT(T);  
6 or

7 (G) National certification as an MRI technologist (ARRT (MR)  
8 or ARMRIT); and

9 ~~(G) Pass an examination which has been approved by the board,~~  
10 ~~with a minimum passing score of seventy-five percent, which~~  
11 ~~examination shall cover the basic subject matter of Medical~~  
12 ~~Imaging, radiation safety, skills and techniques as it pertains to~~  
13 ~~Magnetic Resonance Imaging.~~

14 (b) A person seeking a Magnetic Resonance Imaging Technology  
15 license shall submit an application on a form prescribed by the  
16 board and pay the license fee, which fee shall be returned to the  
17 applicant if the license application is denied.

18 (c) A Magnetic Resonance Imaging Technology license issued by  
19 the board prior to July 1, 2007, shall for all purposes be  
20 considered a license issued under this article: *Provided*, That a  
21 person holding a Magnetic Resonance Imaging Technology license  
22 issued prior to July 1, 2007, must renew the license pursuant to  
23 the provisions of this article.

NOTE: The purpose of this bill is to terminate the Medical Imaging and Radiation Therapy Technology Board of Examiners, and to provide for a simplification of the regulations for medical imaging professionals by making them subject to national certifying organizations. The bill also requires the board of Medicine to verify certification with a national certifying organization and grants rulemaking authority.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.